

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8986 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1-5 No

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URVASHI VIJAYKUMAR PATHAK

Versus

STATE OF GUJARAT

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Appearance:

MR NILESH A PANDYA for Petitioner  
MS.HARSHA DEVANI, AGP, for Respondent No. 1,2&3  
MR MK VAKHARIA for Respondent No. 4

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 15/07/98

ORAL JUDGEMENT

Rule.

By way of this Special Civil Application the petitioner seeks direction against respondent Nos. 1 to 3 to take immediate necessary action against respondent No. 4. The say of the petitioner is that she is an

English typist in the office of the respondent and her husband is suffering from T.B. and diabetes. He does not have sufficient income and as such he is dependent on her. To meet with the medical expenses the petitioner is taking medical benefits permissible under the Rules.

2. The petitioner has alleged certain allegations of misbehaviour against Mr. A.P. Mistry, Superintending Engineer. So far as the allegation of misbehaviour against respondent No. 4 is concerned, it is stated by Mr. Vakharia, learned counsel for respondent No. 4 that he has retired from service and he has been served with a chargesheet. In view of this, no direction is required to be given by this court in that regard.

3. So far as another grievance of the petitioner is concerned by order No. 125 of 1997 the petitioner has been asked to repay medical bills received by her during the period 1993 to 1997. It will not be appropriate for this court to enter into the controversy as to whether the recovery is right or not. The ends of justice would meet if the direction is given to the respondent No. 2 to appoint a senior officer to look into the matter and take a fresh decision after giving an opportunity of hearing to the petitioner. It is expected that such enquiry is completed within a period of four months from the date of receipt of the writ. Till the enquiry is completed, there shall stay on the recovery. Rule made absolute to the aforesaid extent.

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